IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.2661 OF 2004

Shantilal Keshrimal ..Plaintiff.

Vs.

Sudhir Rajaram Khamkar ..Defendant.

...

Mr. Ramesh Jain for the Plaintiff.
None for the Defendant.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

2nd April, 2007.

P.C. :

The suit under Order 37 Rule 1 of the Code of Civil Procedure 1908 is based on a cheque dated 3rd May, 2004 (bearing No. 750483) drawn by the Defendant on the Bank of Baroda, Ballard Estate, Mumbai in the amount of Rs.1 lac in favour of the Plaintiff for valuable consideration. The cheque was dishonoured by the bank on presentation. The notice of demand was addressed to the Defendant on 20th May, 2004 to which there is no reply.

The Defendant has been served with the Writ of Summons.

An affidavit of service has been filed. The Defendant has not entered appearance and has not lodged any defence to the claim in the Suit.

The Plaintiff has tendered a compilation of original documents which are taken on the record. The claim in the suit has been duly established on the basis of the evidence on the record. The claim in the suit falls within the purview of Order 37. The suit shall accordingly stand decreed as prayed with a modification that the Plaintiff shall be entitled to interest at the rate of 9% per annum from the date of the suit until payment or realization.

Refund of Court Fees, if any, as per rules.